

NOT FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

)	
In re:)	
)	Civil No. 2007-38
INNOVATIVE COMMUNICATION)	
COMPANY, LLC,)	Chapter 11 Case No. 06-30008
)	
Debtor.)	
_____)	

ATTORNEYS:

Jeffrey B. Moorehead, Esq.

St. Croix, U.S.V.I.

For the Virgin Islands Public Services Commission,

Thomas J. Allingham, II., Esq.

Gregg M. Galardi, Esq.

Mark L. Desgrosseilliers, Esq.

Matthew P. Ward, Esq.

Wilmington, DE

*For Greenlight Capital Qualified, L.P., Greenlight Capital,
L.P., Greenlight Capital Offshore, Ltd.,*

Matthew J. Duensing, Esq.

Richard H. Dollison, Esq.

St. Thomas, U.S.V.I.

*For Greenlight Capital Qualified, L.P., Greenlight Capital,
L.P., Greenlight Capital Offshore, Ltd.*

ORDER

GÓMEZ, C.J.

On February 22, 2007, the Virgin Islands Public Services Commission ("PSC") filed a notice of appeal from the February 13, 2007, order of the United States Bankruptcy Court for the

In re Innovative Communication Company, LLC
Civil No. 2007-38
Order
Page 2

District of the Virgin Islands (the "Bankruptcy Division"),
granting a motion to appoint a Chapter 11 trustee in the
underlying bankruptcy matter. That same day, the Court entered
an Order stating that:

Appellant shall, not later than 10 days after the
date of this Order, file and serve on the other
parties the designation of record and statement of
the issues to be presented, failing which the Appeal
may be dismissed for failure to prosecute

. . . .

Appellant's brief shall be filed and served within
30 days of the date of this Order, or if the
designated record includes a transcript, within 15
days after the transcript is filed, whichever comes
later

(Order 1-2, Feb. 22, 2007.)

As of the date of this Order, the PSC has still not filed a
designation of record, or an appellant's brief in this matter.
Because the PSC has failed to file these documents, the above-
captioned appeal may be dismissed for failure to prosecute. See,
e.g., In re E Toys Inc., 263 Fed. Appx. 235, 238, 2008 WL 241367
at *2 (3d Cir. Jan. 30, 2008) (affirming the district court's
dismissal of a bankruptcy appeal based on the appellant's
"repeated failures to adhere to ordered briefing deadlines")
(unpublished).

Accordingly, it is hereby

In re Innovative Communication Company, LLC
Civil No. 2007-38
Order
Page 3

ORDERED that the PSC, no later than March 13, 2009, shall show cause in writing why this matter should not be dismissed for failure to prosecute.

S_____
CURTIS V. GÓMEZ
Chief Judge

